## IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE NASHVILLE DIVISION

13

|                              |                             |               | ä⊆            | <u> </u> |  |
|------------------------------|-----------------------------|---------------|---------------|----------|--|
|                              | ,                           |               | 100           | H        |  |
| Sylvia Emiabata<br>Plaintiff | )                           | inC<br>m/n    | CD            |          |  |
|                              | )                           |               | LSIO<br>IN IS | 23       |  |
|                              | )                           |               | 240           | 三        |  |
| <b>v.</b>                    | )                           | C N- 3'17 033 | 440 ·         |          |  |
|                              | ) Case No. 3:17 - 0384<br>) | 108           | က်            | Same?    |  |
|                              |                             | マラ            |               |          |  |
|                              | j                           |               |               | <u> </u> |  |
|                              | )                           |               |               |          |  |
| Farmers Insurance            | )                           |               |               |          |  |
| Defendant                    | ĺ                           |               |               |          |  |

## **COMPLAINT**

Sylvia Emiabata, plaintiff complains of defendant and for cause of action shows:

## **DISCOVERY**

Plaintiff intends to conduct discovery under level pursuant to the United States District court of Federal Rules and Civil Procedure and States Laws.

- 1. Plaintiff, Sylvia Emiabata is a citizen of Texas with dual citizen of Illinois.
- 2. Defendant is an insurance company. It is a corporate defendant that does insurance business; that is insures, renders it services within all the 48 States including Tennessee.
- 3. The incident/accident revolves on a claim or complaint that happened in the State of Tennessee around IH 40 in Dickson, TN.
- 4. This concerns Policy # 0045033381 with claim number: 3005591501 1 2 with Farmers Insurance regards accident of February 23, 2016.
- 5. Also on this jurisdictional plea; some of the causes of actions are badfaith dealings, breach of standard contract, tort of negligence, economic loss.
- 6. The amount in controversy or the amount sought exceeds the sum of Seventy five thousand dollars (\$75,000).
- 7. Facts and Background: (a) On or about February 23 2016, plaintiff was travelling on IH 40 in Dickson TN when I was run off the road by a semi tractor; which caused me to lose control. And the next thing we found ourselves in a ditch with prevailing increment weather. Plaintiff with the help of a good Samaritan, successfully called 911 where an ambulance took us to a hospital. At the hospital, the police met plaintiff and took

plaintiff statement including the third party who is a passenger. And this was subsequently reported to the defendant – Farmers Insurance Company.

(b) All effort to get defendant to settle this case fell in a deaf ear. Thus, defendant violated the covenant of goodfaith dealing, breached the insurance standard contract, failed to properly investigate the accident (inadequate investigation); undue delay, refused to defend and refused to make a reasonable settlement offer. And making unreasonable interpretation of plaintiff stated insurance policy.

Thus in this complaint, plaintiff is seeking both punitive, consequential, et al damages.

- 8. Sylvia Emiabata, plaintiff filed this complaint or petition due to defendant engaged in badfaith, Unfair/Denial of insurance claims, neglect, failure to pay settlements plaintiff deserves, Unreasonable delay, Wrongful interpretations of the insurance policy, et al
- Plaintiff grounds for the complaint against defendant are also under Body injury and property damages, Uninsured/Underinsured motorist claims, Uninsured motorist damages.
- 10. (a) Plaintiff severally demanded since 2016 for defendant to pay on the above claim. Defendant till date refused or failed to pay on this claim.
  - (b) And defendant wrongly interpreting plaintiff insurance policy to favour them that has upper hand.
- 11. Plaintiff seeks against defendant that is plaintiff is herein seeking (I) Uncompensated Economic Damages: Medical expenses, Lost of wages, et al.
  - (ii) Non-economic Damages: Pain, suffering, Anxiety, et al.
- 12. Hence Plaintiff is seeking claims based on the Auto liability and Physical damage, Body injury and Property damage, Uninsured/Underinsured motorist claims, Uninsured motorist damages claims on defendant Farmers Insurance for the sum of \$250,000 (Two hundred and fifty thousand) dollars. This is also because plaintiff sustained permanent body damage.
- 13. PLAINTIFF RESERVES THE RIGHT TO AMEND, ADD TO THIS COMPLAINT. And or further itemized the damages.

**WHEREFORE**, the plaintiff respectfully asks the court to grant the following:

- 1. Award the sum of \$250,000 against defendant.
- 2. The court also to grant applicable interest and cost.
- 3. And such other and further relief to which plaintiff may justly be entitled.

February 21, 2017

Respectfully submitted

Sylvia Emiabata

508 Evening Grosbeak Drive

Pflugerville TX 78660 Tel. (512)992-9998; (512)791-2395

RECEIVED IN CLERK'S OFFICE Sylvia Emaberta 508 Evening Gnosbeak Dive Pflugerville TX 78660 FEB 23 2017 U. S. DISTRICT COURT MID. DIST. TENN. Feb. 21, 2017 To: The Clerk of Court
US District Court, for the Middle District of Tenenessee Nashville Division Enclosed for filing is my Complaints with its
Summons and Application to file without fees. Please file accordingly Thank you from: Sylvia Dmisbafa Tel: (512)992-998; (512)791-2395. \*\*Via fedex Overnight: 185692003/08



Align top of FedEx Express® shipping label here.

ORIGIN ID:85MA (512) 992-9998 SYLVIA EMIABATA

508 EVENING GROSBEAK DR

PFLUGERVILLE, TX 78660 UNITED STATES US

SHIP DATE: 22FEB17 ACTWGT: 0.30 LB CAD: 006994559/SSFE1722

BILL CREDIT CARD

TO CLERK **US DISTRICT COURT** 800 US COURTHOUSE

NASHVILLE TN 37203

Pan # 156297VIQES/HREE/AFVEXP 05/17 ...

TRK# 7856 9200 3108

THU - 23 FEB 3:00P STANDARD OVERNIGHT

**XH RNCA** 

37203 TN-US BNA



FΖ

PECEIVED HE STERN SOFFICE FEB \$ 8 2017

U. S. DISTRICT COURT

WID, DIST. TENN.

Align bottom of peel and stick airbill here.